

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

_____)	
Socket Solutions, LLC)	
)	
Plaintiff,)	Case No. _____
v.)	
)	JURY TRIAL DEMANDED
Target Corporation,)	
)	
Defendant.)	
_____)	

COMPLAINT

Plaintiff Socket Solutions, LLC for its Complaint against Target Corporation alleges:

NATURE OF THE ACTION

1. This is a civil action for patent infringement of U.S. Patent No. 9,509,080 (“the ‘080 Patent”), attached as Exhibit A.

THE PARTIES

2. Socket Solutions is a limited liability company, organized in Texas with a principal place of business in Houston, Texas.

3. Target is a national retail department store chain incorporated in Minnesota with headquarters in Minneapolis, Minnesota.

4. Upon information and belief, Target has dozens of retail stores in Illinois, including many within this district.

5. Target also operates an online business that sells merchandise to customers nationwide, including to customers in this district.

JURISDICTION AND VENUE

6. The Court has subject matter jurisdiction over this patent infringement claim under 28 U.S.C. §§ 1331 and 1338(a).

7. Target has regular and established places of business in this district.
8. Target has committed acts of patent infringement in this district.
9. This Court has personal jurisdiction over Target in this action.
10. Venue is proper in this district under 28 U.S.C. § 1400(b) because Target committed acts of patent infringement in this district and has regular and established places of business in this district.

BACKGROUND

Socket Solutions and the Sleek Socket® Products

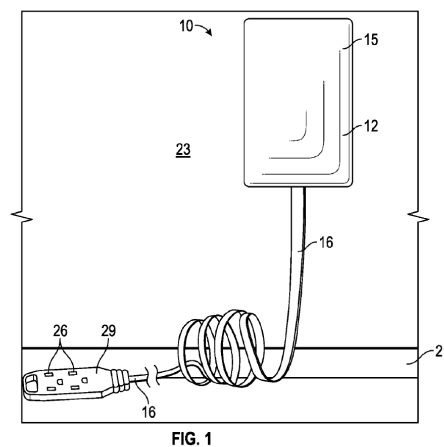
11. Socket Solutions is the exclusive worldwide manufacturer of Sleek Socket® products and the leading seller of ultra-thin outlet cover/power strips.
12. Sleek Socket® products provide an innovative and affordable way to completely hide electrical wall outlets via a unique, ultra-thin plug design that extends only fractions of an inch from the outlet.
13. Sleek Socket® products dramatically reduce obstructions that traditional plugs create between furniture and the outlet, allowing users to position furniture closer to the wall while providing electrical receptacles in a more conveniently located power strip.
14. Sleek Socket® products cover unsightly outlets, creating a more appealing visual look while reducing or eliminating hazards for children and pets.
15. Sleek Socket® products are the top-selling products in their category and currently account for approximately \$20 million in annual gross revenues.
16. The United States Patent and Trademark Office has awarded various patents on the inventions embodied in the Sleek Socket® products, including the '080 Patent.

17. Socket Solutions holds the exclusive rights to make, use, sell and/or offer to sell any invention embodying the '080 patent claims throughout the United States, as well as the exclusive right to import any invention embodying the '080 patent claims into the United States.

The '080 Patent

18. Socket Solutions is the assignee and owner of all right, title, and interest in and to the '080 patent, which the United States Patent and Trademark Office issued on November 29, 2016.

19. The image below, Figure 1 from the '080 Patent, depicts one embodiment of the invention claimed in that patent.



20. The '080 patent relates to a device that covers the wall outlet while allowing that outlet to be used. The cover, which plugs into the wall outlet, is designed to be very thin, which allows it to be used in tight places behind furniture and which also gives it a sleek look in open areas where the wall outlet otherwise would readily be visible.

21. The Sleek Socket® products, which embody the '080 invention, have been commercially successful and have become the leading products of their kind in the market.

22. Socket Solutions has complied with the requirements of 35 U.S.C. § 287 by, among other things, marking the packaging for its patented products with the '080 Patent number.

The Infringing Target Product

23. Target sells outlet cover/power strip products ("Accused Outlet Covers") that it offers on its online store at the following links:

- <https://www.target.com/p/link-space-saving-power-strip-3-socket-3-usb-surge-protector-3-foot-cable-ultra-thin-outlet-great-for-home-office-and-home-theater/-/A-87372282>.
- <https://www.target.com/p/link-space-saving-mini-power-strip-3-socket-3-foot-cable-ultra-thin-outlet-great-for-kitchen-bedroom-bathroom-and-more/-/A-87372278#lnk=sametab>

24. The image below, which was obtained from the first link above, depicts one of the Accused Outlet Covers:



25. The Accused Outlet Covers infringe at least claim 1 of the '080 patent by practicing each limitation of that claim.

26. Target has offered to sell the Accused Outlet Covers to potential customers in this district.

27. Target has sold the Accused Outlet Covers in this district and has shipped those products into this district.

28. The Accused Outlet Covers sold by Target compete with the patented Slek Socket[®] products.

29. Target is not licensed to make, import, use, offer to sell or sell any inventions claimed in the '080 Patent.

Socket Solutions' Notice To Target

30. By letter dated December 2, 2022, sent via Federal Express (next business day delivery) ("Notice Letter"), counsel for Slek Socket notified Target that the Accused Outlet Covers infringe at least claim 1 the '080 Patent. Slek Socket attached a copy of the '080 Patent to the Notice Letter.

31. Upon information and belief, Target received the Notice Letter on Monday, December 5, 2022. Target did not reply to the Notice Letter.

32. On December 22, 2022, counsel for Slek Socket sent a follow-up email to Target's in-house IP counsel, Michael Kroll.

33. Neither Target nor Michael Kroll have responded to the Notice Letter or the December 22, 2022 follow-up email.

34. Despite receiving multiple notices from Socket Solutions that the Accused Outlet Covers infringe the '080 Patent, Target continues to offer the Accused Outlet Covers for sale.

**Count I
Patent Infringement**

35. Socket Solutions incorporates the allegations contained in paragraphs 1 through 34 of this Complaint as though fully set forth in this paragraph.

36. Target has been, and currently is, directly infringing at least claim 1 of the '080 patent by selling and offering to sell the Accused Outlet Covers.

37. Target also infringes the '080 patent by actively inducing infringement under 35 U.S.C. § 271(b).

38. Target actively encourages customers to use the Accused Outlet Covers. That customer use directly infringes at least claim 1 of the '080 patent.

39. Target has encouraged that infringing customer use even though Target knew (at least as of its receipt of Socket Solutions' December 2, 2022 letter), or reasonably should have known, that Socket Solutions has a patent on the relevant technology.

40. Target's acts constitute active inducement of patent infringement in violation of 35 U.S.C. § 271(b).

41. Unless Target is enjoined, it will continue to infringe the '080 patent directly and to induce its customers to infringe the '080 patent.

42. Socket Solutions has been irreparably harmed by Target's infringement. Unless it is enjoined, Target will continue to harm Sleek Socket irreparably. Monetary damages alone cannot compensate for this harm.

43. Target's infringement has been willful and deliberate.

44. No later than the date it received Socket Solutions' December 2, 2022 letter, Target knew or had reason to know that Socket Solutions owned the rights to the '080 patent and that the Accused Outlet Covers infringe at least claim 1 of that patent.

45. Target nonetheless continued offering to sell and selling the Accused Outlet Covers to its customers.

46. Target's deliberate infringement, without any reasonable justification, makes this an exceptional case, entitling Socket Solutions to an award of treble damages under 35 U.S.C. § 284 and an award of attorney fees under 35 U.S.C. § 285.

REQUEST FOR RELIEF

WHEREFORE, Socket Solutions asks this Court to:

- a. Find that U.S. Patent No. 9,509,080 is valid and enforceable;
- b. Find that Target has infringed U.S. Patent No. 9,509,080;
- c. Permanently enjoin Target from infringing U.S. Patent No. 9,509,080;
- d. Award Socket Solutions for damages sufficient to compensate it for Target's past infringement of U.S. Patent No. 9,509,080, together with costs and pre-judgment interest;
- e. Award Socket Solutions treble damages under 35 U.S.C. § 284;
- f. Award Socket Solutions its reasonable attorney fees under 35 U.S.C. § 285; and
- g. Award Socket Solutions such other and further relief as may be just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Socket Solutions requests a trial by jury under Rule 38 of the Federal Rules of Civil Procedure of all issues that may be determined by a jury.

Respectfully submitted,

Dated: January 2, 2023

/s/ Edward H. Rice
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